

Kumar N (Nim)

From: Glen J (John)
Sent: 25 May 2005 15:00
To: Kumar N (Nim)
Subject: FW: Comments: Smoking, Health and Social Care (Scotland) Act 2005 Regulations
Importance: High



Smoking Health and Social Care...

-----Original Message-----

From: Lesley Lockhart [mailto:l.lockhart@rcpe.ac.uk]
Sent: 25 May 2005 14:49
To: Glen J (John)
Subject: Comments: Smoking, Health and Social Care (Scotland) Act 2005 Regulations
Importance: High

This email has been received from an external party and has been swept for the presence of computer viruses.

Dear Mr Glen,

I refer to a letter dated 10 March 2005 from Sarah Davidson requesting comments on the consultation on 'The Smoking, Health and Social Care (Scotland) Act 2005 (Prohibition of Smoking) Regulations 2005'. I am pleased to attach the comments of the Royal College of Physicians of Edinburgh.

<<Smoking Health and Social Care Regulations 2005 RESPONSE.doc>>
Please note that these comments have also been sent to you by post.

Sincerely,
Lesley Lockhart
Royal College of Physicians of Edinburgh

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Please reply to: l.lockhart@rcpe.ac.uk

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**COMMENTS ON
SCOTTISH EXECUTIVE HEALTH DEPARTMENT**

**THE SMOKING, HEALTH AND SOCIAL CARE (SCOTLAND) ACT
2005 (PROHIBITION OF SMOKING) REGULATIONS 2005**

The Royal College of Physicians of Edinburgh is pleased to respond to the Scottish Executive's consultation on *The Smoking, Health and Social Care (Scotland) Act 2005 (Prohibition of Smoking) Regulations 2005*.

The College congratulates the Scottish Executive on the decision to bring forward this important piece of public health protection within the Smoking, Health and Social Care (Scotland) Act. However, it is vital that the accompanying regulations are drafted carefully to secure an enforceable ban in public places to protect health and support smoking cessation.

The College has a number of specific comments relating to the list of public places captured within the legislation and to the exemptions. These are as follows:

Definitions

- 1 The definition of an enclosed public place should be clear, and the College recommends that all premises that are over 50% enclosed should be captured by the ban. This will include areas adjacent to fully enclosed buildings, for example, station platforms, bus shelters and semi-enclosed seating areas in pubs and restaurants.
- 2 The College is concerned about the lost opportunity to include sports stadia within the scope of the ban. Permitting smoking in these places sends out contradictory messages, particularly to young people, and sports stadia and grounds should be included in the ban.
- 3 The College is also aware that other groups have raised concerns about the danger of herbal cigarettes (which are not covered explicitly by the legislation) masking the illicit smoking of tobacco in public places. The College believes that there are also evidence-based health risks associated with smoking herbal cigarettes and, to ensure fair and full enforcement of the ban, recommends that the legislation be amended to include the smoking of all substances.

Exemptions

1 *General*

The College recognises the need for some exemptions, but advises that the provisions should be retained to reduce these in time and as smoking rates decline further. The presumption should be for a total smoking ban in ALL public places, with restricted designated exemptions being allowed to retain small smoking areas only within their

premises. Exemptions must not be perceived as permitting smoking, and it should be clear that special facilities will be made available within these public places for very specific reasons. This will protect the staff working in these areas and support smoking cessation work, which should be continued for all ages.

The proprietors and managers of these public facilities should be required to develop smoking policies with a view to becoming smoke free in the future. The regulations should require all facilities to introduce policies to remove smokers from these areas before staff are required to visit for cleaning etc. Clearly, where continuous supervision is required for safety reasons, this presents a real challenge and such exemptions should be kept to the absolute minimum.

2 *Hospitals and Units*

Specifically, and although the College supports strongly the listing of hospitals within the ban, there is a need for very limited special provisions in the short term for patients for whom the hospital has effectively become their home. Clearly, adult care homes and psychiatric hospitals are already excluded, but some patients in acute hospitals experience long stays while waiting for home adaptations or places in care homes. Designated smoking facilities in hospitals should be restricted for these patients only and not available to staff, visitors or other patients.

The College strongly supports a ban in all day units and out-patient facilities, including those used by psychiatric patients. Nicotine addiction is a major issue for psychiatric patients, and smoking cessation support and nicotine replacement therapy is as critical for these groups as for other patients. The implementation timetable should allow health care professionals to support their patients to adjust to this change, particularly in psychiatric units where smoking prevalence rates are high and behaviour can be challenging.

The College supports the total general ban on smoking on hospital premises for patients, staff or visitors, and agrees that this should include car parks and land belonging to the NHS. However, enforcing this will be a significant challenge, and the implementation timetable should support hospital managers to introduce policies and recruit and train specific staff to supervise their sites.

3 *Hotels*

The College believes that hotels should be limited in the number of smoking rooms they can promote for the safety of staff, and that this proportion should reflect the smoking prevalence in Scotland and reduce in line with it.

All College responses are published on the College website www.rcpe.ac.uk.

Further copies of this response are available from Lesley Lockhart (tel: 0131 225 7324 ext 608 or email: l.lockhart@rcpe.ac.uk)

25 May 2005